

Congress of the United States
House of Representatives
Washington, DC 20515-4312

January 2, 2024

Dear Colleague:

An overwhelming and worsening invasion across our border poses an existential threat to the safety and security of American citizens – particularly Texans – to whom we have a sworn duty to protect.

To that end, I commend Speaker Johnson’s efforts to take a group of House Republicans to the Texas border tomorrow so that any members unaware of the depths of the threat to our citizenry may become fully informed. However, I will not be attending. Our people – law enforcement, ranchers, local leaders – are tired of meetings, speeches, and press conferences. So, for those of us who have already witnessed this crisis dozens of times, it’s past that time. It’s time to act with urgency.

Urgency means not waiting for the next election, and the only tool Congress has left to stop this President from ignoring the law and endangering citizens is its spending power. So, *I am obliged to inform you of my duty to refuse to fund – or otherwise empower – the United States Government, or any foreign government it is supporting, unless and until it fulfills its constitutional obligation to defend our borders from invasion, as required in our republican form of government, and make the people of Texas whole for its breach of duty.*

My fellow Texans rightly ask whether Texas and similarly minded Americans should remain part of a federal government forsaking their well-being, safety, and security in violation of the compact under which we entered the union. This is not a passing concern or political hyperbole – but a constitutional crisis. This is not a case of supporting a simple “migration” to the warm embrace of America under our laws – but a purposeful abuse of our laws for political re-alignment and disruption of our civilization.

We continue to sustain waves of over 10,000 people per day – often single adult males and increasingly from all over the world – coming with the knowledge the federal government is releasing them (pre-wave reports indicated over 5,000 a day) or failing to apprehend them (data indicates we are approaching 2 million “got-aways” under President Biden). Worse, the result is the known release of dangerous criminals and terrorists as well as millions of doses of deadly fentanyl and other narcotics killing tens of thousands of Americans – all while empowering enemies like China, Russia, Iran, and dangerous Mexican drug cartels.

We see increasing militant behavior toward Border Patrol and Texas law enforcement officers even as they are overwhelmed and pulled off the patrol line or from checkpoints just to process more illegal aliens to release into the U.S. – many of whom get dates to report for “adjudication” as late as 2035. None of this touches the crushing burden placed upon public and private resources with increased demand on schools, hospitals, law enforcement, and public services. We Texans alone have already allocated and spent some \$12 billion to do what the federal government is supposed to do, and now the Department of Justice (DOJ) is threatening to sue us if we implement our own laws to send illegal aliens back across the border.

Given the purposeful disregard of our laws by Democrats and the total historical failure of Republicans to respond with even a whimper (as recently as 2018 when controlling the House, Senate, and the White House), the time has long passed for Republicans to address the threat at our border. The good news is that

the stage has been set because we finally took the first step – passing in “H.R.2” legislation that is not rubber stamped by the Chamber of Commerce but finally shuns amnesty in favor of granting additional power and, indeed, requirements for the President to enforce our border and immigration laws.

Now, we Republicans have a duty to use the “power of the purse” described by James Madison in *Federalist 58* to end the abuse of power by President Biden and to force both the immediate end to illegal flow and the permanent improvement of our border security laws. This means *we must make funding for federal government operations contingent on the President signing H.R.2, or its functional equivalent, into law and stopping the flow across our border (with demonstrable near-zero results).*

Inexplicably, while President Biden violates his constitutional duties to “protect each of [the states] against invasion,” and to “take care that the laws be faithfully executed,” Congress continues to fund the violators with support from members of both parties. Indeed, since September, Congress has passed – with majority GOP support – two continuing resolutions fully funding the Department of Homeland Security (DHS) at the exorbitant Nancy Pelosi FY 2023 omnibus levels without a single border security provision attached.

I am well aware that some of my “more conservative” colleagues were instrumental in shooting down an attempt to attach border security in the form of H.R.2 to funding legislation this past fall. That was a disastrous mistake, and as equally tiresome and problematic as the excuses Republicans typically give about fearing “shutdown.” Thus, this letter is directed to all of us, for while Democrats own the crisis and abuse of our laws, we Republicans own the failure to force a response to that crisis.

To wit, we currently are funding – *at the higher omnibus spending levels* – the DHS regime perpetuating the policies, the Department of Health and Human Services (HHS) refugee “resettlement” office, non-governmental organizations (NGOs) exploiting our laws, international bodies like the United Nations (UN) facilitating open borders (in addition to funding enemies such as Hamas), and an overall government – including the DOJ – perpetuating the lawlessness at odds with the well-being of its own citizens.

To be certain, use of our constitutional authority to withhold funds to force adherence to the law comes with cries of “government shutdown” and concerns we will fail to sustain key priorities such as funding for troops and Border Patrol agents themselves. These claims can be dismissed if we pass legislation to fund those very basic responsibilities – including ensuring Border Patrol agents receive full salary, benefits, and overtime pay – while withholding funding for the vast majority of the federal government until it performs its basic duty to defend the borders of a supposedly sovereign nation.

The threat to citizens we represent and the Republic we take an oath to defend is real – marked notably by the release of dangerous terrorists and criminals into our communities. All members of Congress should be on notice: they own it if they fund it. We must finally use our Article One constitutional authority to force the (Article Two) President to end his abuse of power that endangers Americans with open borders.

Alone, each of us represents only 1/435th of ½ of Congress. Together, however, we have the power to force the change we promised to deliver. If we fight, we may or may not deliver *everything* we need, but we will deliver relief and inspiration. If we choose not to fight, we will be guaranteed to fail – and so will America.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy', with a stylized flourish at the end.

Chip Roy
Member of Congress